

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 14 July 2014 at 10.00 am at Ground Floor Meeting Room G02C - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor David Hubber (In the chair)
Councillor Eliza Mann
Councillor Adele Morris

**OTHERS
PRESENT:** Councillor Tom Flynn (observing)
Councillor Sandra Rhule, ward councillor
Delia Green, representative from Hammler's Limited
Bankule Jones, representative from Hammler's Limited
Austin yardley, representative from Terry's Cafe
Ross Rook, local resident
Kylie Mather, local resident
Stephen Keen, local resident
John Nolan, local resident
Derek Andrews, local resident

**OFFICER
SUPPORT:** Cynthia Barrientos, legal officer
Dorcas Mills, licensing officer
Mark Orton, licensing officer
Andrew Weir, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members. In the absence of the chair, Councillor David Hubber was nominated by Councillor Eliza Mann to chair the meeting. This was seconded by Councillor Adele Morris.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003: HAMMLER'S LIMITED, 169 QUEENS ROAD, LONDON SE15 2ND

The licensing officer presented their report. They advised that the police and the applicant had conciliated. Members had no questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

The sub-committee heard from local residents who were objecting to the application. Members had questions for the local residents.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 11.25am.

The licensing sub-committee resumed at 12.30pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Hammler's Limited for the grant of a premises licence issued under the Licensing Act 2003 in respect of Hammlers Limited, 169 Queens Road, London SE15 2ND be granted follows:

Licensable Activity	Monday to Thursday	Friday and Saturday	Sunday
Films	11.00 to 00.00	11.00 to 01.30	12.00 to 00.00
Recorded Music - indoors	11.00 to 00.00	11.00 to 01.30	12.00 to 00.00
Performance of dance - indoors	11.00 to 00.00	11.00 to 01.30	12.00 to 00.00
Late night refreshment	23.00 to 23.30	23.00 to 01.30	23.00 to 23.30
Sale and supply of alcohol (on the premises)	11.00 to 23.00	11.00 to 01.30	12.00 to 23.00

Hours premises are open to the public	07.00 to 00.00	07.00 to 02.00	11.00 to 00.00
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Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions and conditions derived from the operation schedule in Section M of the application form and shall be subject to the following conditions as agreed between the applicant and the environmental protection team:

1. That before the premises licence can take effect an acoustic lobby of adequate dimensions and adequate residence time to the doors be installed in the entrance lobby to minimise sound escape from the premises, ensuring that all doors open in the direction of escape in case of fire.
2. That before the premises licence can take effect self-closers shall be installed to the doors to the acoustic lobby in accordance with BS 6459 Pt.11984.
3. That before the premises licence can take effect sound limiting devices shall be installed to both the ground floor and basement areas and, in conjunction with a qualified sound engineer, maximum volume and bass levels shall be set to ensure that any music, speech or song from licensed entertainment shall not be audible in nearby residential premises nor will cause a public nuisance in the vicinity of the premises.
4. That the sound limiting devices be maintained at the set level thereafter.
5. That should there be any change to the equipment involved in the broadcast or limiting of sound from licensed entertainment that the sound limiters be re-set, in conjunction with a qualified sound engineer, to ensure that any music, speech or song from licensed entertainment is not audible in nearby residential premises nor will cause a public nuisance in the vicinity of the premises.
6. That any additional amplification equipment imported on to the premises by third parties be connected to and use the sound limited circuit.
7. That all speakers for the broadcast of sound within the premises shall be isolated from the structure of the premises by anti-vibration mountings or mats.
8. That during any licensed entertainment on the premises permitted under the Licensing Act 2003 or the Live Music Act 2012 all doors and windows shall remain closed (except for access or egress).
9. That before the premises license can take effect noise insulation to any air handling plant/condensers/etc be installed to ensure their sound output is 10 dBA below the lowest L90 15 minute relevant in the period the plant will be operational.
10. That there shall be no drinks taken outside the premises at any time.

11. That there shall be no more than eight persons permitted outside, to smoke only, on the frontage at any time.
12. That external waste handling, collections, deliveries and the cleaning of external areas shall only occur between the hours of 08.00 and 20.00.

And the following additional conditions as agreed with the police:

13. That a CCTV system be installed at the premises and be maintained in good working order to the satisfaction of the Metropolitan Police and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of every person who enters the premises.
14. That all CCTV footage shall be kept for a period of 31 days and shall, upon request, be made immediately available to officers of the police and the council.
15. That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every six months.
16. That two SIA registered door supervisors, at least one of whom shall be a female, shall be employed at all times after 20.00 when the terminal hour is after 01.00.

And the following additional conditions as agreed by the sub-committee:

17. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such persons as an ancillary to their meal.
18. That a dedicated telephone number will be on display and advertised at the premises for residents or members of the public to call with any concerns.

Reasons

The licensing sub-committee heard from the applicant who advised that she intended to open her first restaurant which would among other things specialise in Sierra Leonian cuisine. She advised that there would be up to 60 covers and that she would be employing qualified staff all of whom would be trained in their responsibilities under the Licensing Act 2003.

The applicant advised that in response to the responsible authorities and the local residents' concerns they had amended their application by reducing the opening hours by two hours and also had removed the live music element from their application.

The applicant advised that they had considered the local residents' concerns and wanted to assure the sub-committee that this would be a well run establishment and made it clear that this would not be a night club, as suggested by some local residents, but would be an upmarket restaurant.

They further added that they would welcome feedback from local residents and work with them going forward. Additionally, they agreed to the proposal of providing a contact

telephone number to be made available to local residents and general members of the public.

The licensing sub-committee noted that the Metropolitan Police Service and the environmental protection team had conciliated with the applicant and had agreed the above conditions.

The licensing sub-committee heard from other persons who advised that they had concerns that this premises would be run as a night club. They advised that they had not been aware of the reduction in hours and the withdrawal of the live music element of the application, prior to the hearing. They advised that they still had concerns even with these amendments to the application.

They advised that in principle they were not opposed to a restaurant being opened but had concerns regarding the opening times. They also were worried that should the licence be transferred in the future that a future licensee may operate the premises as a night club,

On questioning, they confirmed that there were other premises that were open even later than the hours sought in this application, in the immediate vicinity. These included a late night kebab shop and two chicken shops. They advised that these premises did not cause any problems to residents.

Other general concerns related to the dispersal of customers at closing time and potential problems caused by patrons smoking outside. They also referred to past incidents from other premises where there were problems such as litter, waste and unsociable activities.

Having considered all the relevant evidence before it and having taken into account the individual circumstances of this application, the licensing sub-committee agreed that the conditions above would be sufficient to address the residents' concerns. The licensing sub-committee noted the applicant's willingness to engage with the authorities and local residents and their amendments to their application in response to the concerns raised.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach these conditions in order to address the licensing objectives.

Appeal rights

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That the licence ought not to be been granted; or
- b) That on granting the licence, the licensing authority ought to have imposed different

or additional conditions on the licence, or ought to have modified them in a different way

May appeal against the decision.

Any appeal must be made to the magistrates' court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

6. LICENSING ACT 2003: TERRY'S CAFE, 158 GREAT SUFFOLK STREET, LONDON SE1 1PE

The licensing officer presented their report. Members had no questions for the licensing officer.

The applicant addressed the sub-committee. Members had questions for the applicant.

The local resident objecting to the application addressed the sub-committee. Members had questions for the local resident.

All parties were given five minutes for summing up.

The licensing sub-committee went into closed session at 1.15pm.

The licensing sub-committee resumed at 2.05pm and the chair read out the decision of the sub-committee.

RESOLVED:

That the application submitted by Austins of London Limited for a premises licence to be granted under the Licensing Act 2003 in respect of the premises known as Terry's Cafe, 158 Great Suffolk Street, London SE1 1PE be granted as follows:

Licensable Activity	Monday to Sunday
Sale and supply of alcohol	12.00 to 23.00
Hours premises are open to the public	07.00 to 23.00

Conditions

The operation of the premises under the licence shall be subject to relevant mandatory conditions and conditions derived from the operation schedule in Section M of the application form and shall be subject to the following conditions as agreed between the applicant and the police:

1. That a CCTV system be installed at the premises and be maintained in good working order to the satisfaction of the Metropolitan Police and be continually recording at all times the premises are in use under the licence. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises and all licensable area's including any outside areas.
2. That all CCTV footage shall be kept for a period of thirty one days and shall, upon request, be made immediately available to officers of the police and the council.
3. That all staff are trained in their responsibilities under the Licensing Act 2003 and training records to be kept and updated every six months.

And the following additional conditions offered by the applicant:

4. That a minimum of two members of staff shall be tasked with moving the tables and chairs in and out of the premises and every effort will be made to avoid the tables or chairs being dragged across the pavement.
5. That all licensable activities outdoors shall cease at 20.00.

And the following additional condition as agreed by the sub-committee:

6. That intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such persons as an ancillary to their meal.

Reasons

The licensing sub-committee heard from the applicant who advised that this was a small family run traditional café that had been in operation since 1982. He advised that he had been running the premises for the past five years with no complaints from the authorities or local residents.

He advised that he planned to enhance his offering by being able to serve beers or wine with meals and that the alcohol would be ancillary to a table meal.

He informed the sub-committee that he had liaised with local residents and in response to their concerns about noise from the movement of outside furniture he had offered the condition above, in order to minimise the noise. He also highlighted that there were no outstanding representations from responsible authorities and that there was only one objection from an other person.

On questioning, he advised that if the licence was granted that he would undertake the personal licence training.

The licensing sub-committee noted that the Metropolitan Police Service had conciliated with the applicant and had agreed the above conditions.

The licensing sub-committee heard from an other person, a local resident who lived in the immediate vicinity, whose main concern related to the noise created by the movement of the outdoor furniture. He also questioned whether the tables and chairs on the edge of the pavement (outside the licensable area) were permissible. He also raised concerns about the serving of alcohol outdoors.

Having considered all the relevant evidence before it and having taken into account the individual circumstances of this application, the licensing sub-committee agreed that the conditions above would be sufficient to address the resident's concerns. The sub-committee acknowledged the concern of the local resident regarding the furniture outside the licensable area. However, the sub-committee noted that this was not a relevant matter in relation to the licensing objectives. The sub-committee also noted that the licensing officer had referred this matter to the highways department.

In reaching this decision the sub-committee had regard to all the relevant considerations and the four licensing objectives.

The licensing sub-committee considered that it was appropriate and proportionate to attach conditions in order to address the licensing objectives.

Appeal rights

The applicant may appeal against any decision:

- a) To impose conditions on the licence
- b) To exclude a licensable activity or refuse to specify a person as premises supervisor.

Any person who made relevant representations in relation to the application who desire to contend that:

- c) That the licence ought not to be been granted; or
- d) That on granting the licence, the licensing authority ought to have imposed different or additional conditions on the licence, or ought to have modified them in a different way

May appeal against the decision.

Any appeal must be made to the magistrates' court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' clerk for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 2.15pm.

CHAIR:

DATED: